

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

AMY KHANG-VANG,

ORDER

Plaintiff,

18-cv-092-wmc

v.

WHITELOCKE & ASSOCIATES, LLC,
and ROBERT FRANKLIN,
Defendants.

Defendant Whitelocke & Associates, LLC, having failed to appear, plead or otherwise defend in this action, and default having been entered on July 23, 2018; counsel for plaintiff having requested judgment against the defaulted defendant and having filed a proper motion for default judgment and supporting affidavit in accordance with Federal Rule of Civil Procedure 55; and the defendant again having failed to file any objection to the motion or supporting materials; and the defendant having failed to appear at the hearing on plaintiff's motion for default judgment;

NOW, THEREFORE, IT IS ORDERED that:

1. Partial default judgment is GRANTED in favor of plaintiff Amy Khang-Vang and against defendant Whitelocke & Associates, LLC, in the total amount of \$10,820.20. This amount consists of reasonable attorney's fees and costs in the amount of \$9,820.20¹ as supported by the Third Affidavit of Michael Godbe (dkt. #17), and statutory damages of \$1,000.00 as supported by the undisputed allegations in the complaint. In particular, an award of \$1,000 is appropriate under 15 U.S.C.

¹ The \$74.00 cost of serving defendant Robert Franklin, who is not in default, will not be assessed

§ 1692(a)(2)(A), because of the sum in dispute, frequency and persistence of defendant's noncompliant collection efforts.

2. Because Wis. Stat. § 425.304 bases its damage calculation on the amount of a transaction's finance charge -- the amount of which is not yet in evidence -- this court will RESERVE judgment on those damages pending additional proof. Should plaintiff submit an affidavit stating what the finance charge is for purposes of that statute, the court will enter an amended order on that basis.
3. The court will further RESERVE as to whether the final judgment in the total amount entered should be joint and several as to the remaining defendant Robert Franklin.

Entered this 17th day of August, 2018.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge

against Whitelocke & Associates, LLC under this partial judgment.